

tive and other support for the Council to implement this section.

(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.

(Added Pub. L. 111-352, §9, Jan. 4, 2011, 124 Stat. 3878.)

#### § 1125. Elimination of unnecessary agency reporting

(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

(b) PLANS AND REPORTS.—

(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37),<sup>1</sup> the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.

(Added Pub. L. 111-352, §11(b), Jan. 4, 2011, 124 Stat. 3881.)

<sup>1</sup> See References in Text note below.

#### REFERENCES IN TEXT

Section 1105(a)(37), referred to in subsec. (c), probably means the section 1105(a)(37) added by section 11(a)(2) of Pub. L. 111-352, Jan. 4, 2011, 124 Stat. 3881.

### CHAPTER 13—APPROPRIATIONS

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#### AMENDMENTS

1998—Pub. L. 105-339, §7(b)(2), Oct. 31, 1998, 112 Stat. 3189, added item 1354.

1990—Pub. L. 101-280, §4(b)(2), May 4, 1990, 104 Stat. 157, redesignated item 1352 “Acceptance of travel and related expenses from non-Federal sources” as 1353.

1989—Pub. L. 101-194, title III, §302(b), Nov. 30, 1989, 103 Stat. 1746, added item 1352 “Acceptance of travel and related expenses from non-Federal sources”.

Pub. L. 101-121, title III, §319(a)(2), Oct. 23, 1989, 103 Stat. 756, added item 1352 “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions”.

1986—Pub. L. 99-550, §1(b), Oct. 27, 1986, 100 Stat. 3070, substituted “Passenger carrier use” for “Passenger motor vehicle and aircraft use” in item 1344.

#### SUBCHAPTER I—GENERAL

#### § 1301. Application

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

(b) The reappropriation and diversion of the unexpended balance of an appropriation for a purpose other than that for which the appropriation originally was made shall be construed and accounted for as a new appropriation. The unexpended balance shall be reduced by the amount to be diverted.

(c) An appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation—

(1) is for rivers and harbors, lighthouses, public buildings, or the pay of the Navy and Marine Corps; or

(2) expressly provides that it is available after the fiscal year covered by the law in which it appears.

(d) A law may be construed to make an appropriation out of the Treasury or to authorize making a contract for the payment of money in excess of an appropriation only if the law specifically states that an appropriation is made or that such a contract may be made.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 917.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1301(a) .....	31:628.	R.S. §3678.
1301(b) .....	31:717.	Mar. 4, 1915, ch. 147, § 4, 38 Stat. 1161.
1301(c) .....	31:718.	Aug. 24, 1912, ch. 355, § 7, 37 Stat. 487; Mar. 3, 1919, ch. 99, § 6(last sentence), 40 Stat. 1309.
1301(d) .....	31:627.	June 30, 1906, ch. 3914, § 9, 34 Stat. 764.

In subsection (a), the word “Appropriations” is substituted for “sums appropriated for the various branches of expenditure in the public service” to eliminate unnecessary words. The words “they are respectively” and “and for no others” are omitted as surplus. The words “except as otherwise provided by law” are substituted for “All” in section 3678 of the Revised Statutes to inform the reader that there are exceptions to the source provisions restated in the subsection.

In subsection (c), before clause (1), the words “specific or indefinite” are omitted as surplus. The words “made subsequent to August 24, 1912” are omitted as executed. The words “without reference to a fiscal year” are omitted as surplus. In clause (1), the words “is for” are substituted for “belongs to one of the following four classes” to eliminate unnecessary words. The words “last specifically named in and excepted from the operation of the provisions of section 713 of this title” and the words related to section 5 of the Act of June 20, 1874 (31:713), in section 6(last sentence) of the Act of March 3, 1919 (ch. 99, 40 Stat. 1309), are omitted because section 5 was repealed by section 3 of the Act of July 6, 1949 (ch. 299, 63 Stat. 407).

In subsection (d), the words “passed after June 30, 1906” are omitted as executed.

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-359, § 1, July 13, 1984, 98 Stat. 402, provided: “That this Act [amending section 1322 of this title] may be cited as the ‘Postal Savings System Statute of Limitations Act.’”

#### TRANSFERS FROM APPROPRIATION ACCOUNTS; SALARIES OF TEMPORARILY REASSIGNED EMPLOYEES

Pub. L. 105-277, div. A, § 101(f) [title V, § 510], Oct. 21, 1998, 112 Stat. 2681-337, 2681-385, as amended by Pub. L. 106-31, title V, § 5005(i), May 21, 1999, 113 Stat. 111, provided that: “Notwithstanding any other provision of law, hereafter—

“(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act [see Tables for classification];

“(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

“(3) no funds provided under this Act or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105-78, title V, § 511, Nov. 13, 1997, 111 Stat. 1516.

Pub. L. 104-208, div. A, title I, § 101(e) [title V, § 509], Sept. 30, 1996, 110 Stat. 3009-233, 3009-269.

Pub. L. 104-134, title I, § 101(d) [title V, § 509], Apr. 26, 1996, 110 Stat. 1321-211, 1321-244; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103-333, title V, § 515, Sept. 30, 1994, 108 Stat. 2574.

#### EX. ORD. NO. 13457. PROTECTING AMERICAN TAXPAYERS FROM GOVERNMENT SPENDING ON WASTEFUL EARMARKS

Ex. Ord. No. 13457, Jan. 29, 2008, 73 F.R. 6417, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**SECTION 1. Policy.** It is the policy of the Federal Government to be judicious in the expenditure of taxpayer dollars. To ensure the proper use of taxpayer funds that are appropriated for Government programs and purposes, it is necessary that the number and cost of earmarks be reduced, that their origin and purposes be transparent, and that they be included in the text of the bills voted upon by the Congress and presented to the President. For appropriations laws and other legislation enacted after the date of this order, executive agencies should not commit, obligate, or expend funds on the basis of earmarks included in any non-statutory source, including requests in reports of committees of the Congress or other congressional documents, or communications from or on behalf of Members of Congress, or any other non-statutory source, except when required by law or when an agency has itself determined a project, program, activity, grant, or other transaction to have merit under statutory criteria or other merit-based decisionmaking.

**SEC. 2. Duties of Agency Heads.** (a) With respect to all appropriations laws and other legislation enacted after the date of this order, the head of each agency shall take all necessary steps to ensure that:

(i) agency decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof;

(ii) agency decisions to commit, obligate, or expend funds for any earmark are based on authorized, transparent, statutory criteria and merit-based decision making, in the manner set forth in section II of OMB

Memorandum M-07-10, dated February 15, 2007, to the extent consistent with applicable law; and

(iii) no oral or written communications concerning earmarks shall supersede statutory criteria, competitive awards, or merit-based decisionmaking.

(b) An agency shall not consider the views of a House, committee, Member, officer, or staff of the Congress with respect to commitments, obligations, or expenditures to carry out any earmark unless such views are in writing, to facilitate consideration in accordance with section 2(a)(ii) above. All written communications from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended on any earmark shall be made publicly available on the Internet by the receiving agency, not later than 30 days after receipt of such communication, unless otherwise specifically directed by the head of the agency, without delegation, after consultation with the Director of the Office of Management and Budget, to preserve appropriate confidentiality between the executive and legislative branches.

(c) Heads of agencies shall otherwise implement within their respective agencies the policy set forth in section 1 of this order, consistent with such instructions as the Director of the Office of Management and Budget may prescribe.

(d) The head of each agency shall upon request provide to the Director of the Office of Management and Budget information about earmarks and compliance with this order.

**SEC. 3. Definitions.** For purposes of this order:

(a) The term “agency” means an executive agency as defined in section 105 of title 5, United States Code, and the United States Postal Service and the Postal Regulatory Commission, but shall exclude the Government Accountability Office; and

(b) the term “earmark” means funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.

**SEC. 4. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

### § 1302. Determining amounts appropriated

Except as specifically provided by law, the total amount appropriated in an appropriation law is determined by adding up the specific amounts or rates appropriated in each paragraph of the law.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 917.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1302 .....	31:670.	May 28, 1896, ch. 252, §1(par. immediately before heading “Treasury Department”), 29 Stat. 148.

The words “by adding up” are substituted for “by the correct footing up” for clarity.

### § 1303. Effect of changes in titles of appropriations

Expenditures for a particular object or purpose authorized by a law (and referred to in that law by the specific title previously used for the appropriation item in the appropriation law concerned) may be made from a corresponding appropriation item when the specific title is changed or eliminated from a later appropriation law.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 917.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1303 .....	31:581(note).	Sept. 12, 1950, ch. 946, §302(b), 64 Stat. 844.

### § 1304. Judgments, awards, and compromise settlements

(a) Necessary amounts are appropriated to pay final judgments, awards, compromise settlements, and interest and costs specified in the judgments or otherwise authorized by law when—

(1) payment is not otherwise provided for;

(2) payment is certified by the Secretary of the Treasury; and

(3) the judgment, award, or settlement is payable—

(A) under section 2414, 2517, 2672, or 2677 of title 28;

(B) under section 3723 of this title;

(C) under a decision of a board of contract appeals; or

(D) in excess of an amount payable from the appropriations of an agency for a meritorious claim under section 2733 or 2734 of title 10, section 715 of title 32, or section 20113 of title 51.

(b)(1) Interest may be paid from the appropriation made by this section—

(A) on a judgment of a district court, only when the judgment becomes final after review on appeal or petition by the United States Government, and then only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance; or

(B) on a judgment of the Court of Appeals for the Federal Circuit or the United States Court of Federal Claims under section 2516(b) of title 28, only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance.

(2) Interest payable under this subsection in a proceeding reviewed by the Supreme Court is

not allowed after the end of the term in which the judgment is affirmed.

(c)(1) A judgment or compromise settlement against the Government shall be paid under this section and sections 2414, 2517, and 2518<sup>1</sup> of title 28 when the judgment or settlement arises out of an express or implied contract made by—

- (A) the Army and Air Force Exchange Service;
- (B) the Navy Exchanges;
- (C) the Marine Corps Exchanges;
- (D) the Coast Guard Exchanges; or
- (E) the Exchange Councils of the National Aeronautics and Space Administration.

(2) The Exchange making the contract shall reimburse the Government for the amount paid by the Government.

(Pub. L. 97-258, §§1, 2(m)(2), Sept. 13, 1982, 96 Stat. 917, 1062; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 104-316, title II, §202(m), Oct. 19, 1996, 110 Stat. 3843; Pub. L. 111-314, §4(b), Dec. 18, 2010, 124 Stat. 3440.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1304(a) .....	31:724a(1st sentence words before 1st proviso).	July 27, 1956, ch. 748, §1302(1st sentence), 70 Stat. 694; Aug. 30, 1961, Pub. L. 87-187, §3, 75 Stat. 416; July 18, 1966, Pub. L. 89-506, §6, 80 Stat. 307; July 23, 1970, Pub. L. 91-350, §1(c), 84 Stat. 449; restated May 4, 1977, Pub. L. 95-26, §101(2d par. under heading “Claims and Judgments”), 91 Stat. 96; Mar. 7, 1978, Pub. L. 95-240, §201, 92 Stat. 116; Nov. 1, 1978, Pub. L. 95-563, §14(c), 92 Stat. 2390; Apr. 2, 1982, Pub. L. 97-164, title I, §155, title III, §302(c), 96 Stat. 47, 56.
1304(b) .....	28:2516(b)(less 1st sentence words after last comma).	
	31:724a(1st sentence 1st, 2d provisos).	
1304(c) .....	31:724a(1st sentence last proviso)	

In subsection (a), before clause (1), the words “out of any money in the Treasury not otherwise appropriated” are omitted as surplus. The words “awards rendered by the Indian Claims Commission” are omitted as executed because under 25:70v the Commission was dissolved and all of its outstanding cases were transferred to the Court of Claims. Under 25:70v-3, judgments on cases transferred to the Court of Claims are judgments under 28:2517 and 2518 and are therefore included under clause (3)(A) of the subsection.

In subsection (b), the text of 28:2516(b)(less 1st sentence words after last comma) is omitted as superseded by 31:724a.

In subsection (b)(1)(A), the words “through the day before the date” are substituted for “to the date” as being more precise.

#### REFERENCES IN TEXT

Section 2518 of title 28, referred to in subsec. (c)(1), was repealed by Pub. L. 97-164, title I, §139(l), Apr. 2, 1982, 96 Stat. 43.

#### AMENDMENTS

2010—Subsec. (a)(3)(D). Pub. L. 111-314 substituted “section 20113 of title 51” for “section 203 of the Na-

tional Aeronautics and Space Act of 1958 (42 U.S.C. 2473)”.

1996—Subsecs. (a)(2), (b)(1)(A), (B). Pub. L. 104-316 substituted “Secretary of the Treasury” for “Comptroller General”.

1992—Subsec. (b)(1)(B). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (b)(1)(A). Pub. L. 97-258, §2(m)(2)(A), struck out “under section 2411(b) of title 28” after “district court”.

Subsec. (b)(1)(B). Pub. L. 97-258, §2(m)(2)(B), substituted “Court of Appeals for the Federal Circuit or the United States Claims Court” for “Court of Claims”.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 2(m) of Pub. L. 97-258 provided that the amendment made by that section is effective Oct. 1, 1982.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

(1) to pay the proceeds of the personal estate of a United States citizen dying abroad to the legal representative of the deceased on proper demand and proof.

(2) to pay interest on the public debt under laws authorizing payment.

(3) to pay proceeds from derelict and salvage cases adjudged by the courts of the United States to salvors.

(4) to make payments required under contracts made under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) for the payment of interest on obligations guaranteed by the Secretary of Housing and Urban Development under section 108.

(5) to make payments required under contracts made under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)) for projects or programs for which amounts had been committed before January 1, 1975, and for which amounts have not been appropriated.

(6) to pay the interest on the fund derived from the bequest of James Smithson, for the construction of buildings and expenses of the Smithsonian Institution, at the rates determined under section 5590 of the Revised Statutes (20 U.S.C. 54).

#### ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(7) to make payments required under contracts made under section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c).

<sup>1</sup> See References in Text note below.

## COLLEGE HOUSING GRANTS

(8) to make payments required under contracts made under title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

## RENT SUPPLEMENT PROGRAM

(9) to make payments required under contracts under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s).

## HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

(10) to make payments required under contracts under sections 235 and 236, respectively, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z–1).

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918; Pub. L. 97–452, §1(4), Jan. 12, 1983, 96 Stat. 2467; Pub. L. 98–371, title I, §101, July 18, 1984, 98 Stat. 1220.)

HISTORICAL AND REVISION NOTES  
1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1305 .....	31:711(1)–(3), (11a)–(23).	R.S. §3689(less last 3 pars. on p. 725 related to redemption of stamps, debentures and other charges, and debentures and drawbacks, 2d par. on p. 726 related to repayment of excess of deposits, 3d–7th pars. on p. 726 related to refunding duties on goods destroyed, marine hospital establishment, refunding duties, refunding proceeds of goods seized and sold, and refunding proceeds of unclaimed merchandise); June 20, 1874, ch. 328, §4(less words between 1st and 2d semicolons), 18 Stat. 109; Mar. 3, 1875, ch. 129, §1(6th par. 3d sentence under heading “War Department”), 18 Stat. 359; June 19, 1878, ch. 329, §1(par. immediately before heading “Office of the Attorney General”), 20 Stat. 205; May 26, 1908, ch. 198, §1(last par. on p. 295), 35 Stat. 295; June 25, 1910, ch. 384, §8(words before semicolon), 36 Stat. 773; Oct. 18, 1972, Pub. L. 92–500, §12(p), 86 Stat. 902; Aug. 22, 1974, Pub. L. 93–383, §108(i), 117(a), 88 Stat. 649, 653; Oct. 12, 1977, Pub. L. 95–128, §108(2), 91 Stat. 1123.

In the section, the words “out of any moneys in the Treasury not otherwise appropriated” and “and such appropriations shall be deemed permanent annual appropriations” are omitted as surplus.

In clause (2), the text of section 4(words after 2d semicolon) of the Act of June 20, 1874 (ch. 328, 18 Stat. 109), is omitted as expired.

The text of 31:711(3) is omitted as superseded by the source provisions restated in section 1322 of the revised title.

The text of 31:711(11a) is omitted because the Environmental Financing Authority expired on June 30, 1975.

The text of 31:711(12) is omitted as superseded by 31:725s(a)(1st proviso) and 31:725s(a)(59).

The text of 31:711(13) is omitted as obsolete because provisions relating to horses and property lost in military service were repealed by section 1 of the Act of December 16, 1930 (ch. 14, 46 Stat. 1028), and section 3 of the Act of May 29, 1945 (ch. 135, 59 Stat. 225).

The text of 31:711(14) is omitted as superseded by 31:240–243.

The text of 31:711(16) is omitted as obsolete because of the repeal of the permanent appropriation for surveying within land grants (reimbursable) by 31:725(a) and (b)(13).

The text of 31:711(17) is omitted as superseded by the repeal of the appropriation account “Five Percent Funds to States” by 31:725c(a) and (b)(34).

The text of 31:711(18) is omitted as superseded by 31:725b(a) and (b)(8).

The text of 31:711(19) is omitted as superseded by 31:725q(a) and (b)(14).

The text of 31:711(20) is omitted as superseded by section 1(1st par. on p. 447) of the Act of March 3, 1875 (ch. 132, 18 Stat. 447), and section 1(last par. on p. 197) of the Act of August 15, 1876 (ch. 289, 19 Stat. 197).

## 1983 ACT

This amends 31:1305(6) to conform to the Smithsonian Institution charter as amended by section 1 of the Act of June 22, 1982 (Pub. L. 97–199, 96 Stat. 121).

## REFERENCES IN TEXT

Section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)), referred to in par. (5), was omitted from the Code pursuant to section 5316 of Title 42, The Public Health and Welfare, which terminated the authority to make grants or loans under title I of that Act (42 U.S.C. 1450 et seq.) after Jan. 1, 1975.

The Housing Act of 1950, referred to in par. (8), is act Apr. 20, 1950, ch. 94, 64 Stat. 48, as amended. Title IV of the Housing Act of 1950, which was classified generally to subchapter IX (§1749 et seq.) of chapter 13 of Title 12, Banks and Banking, was repealed by Pub. L. 99–498, title VII, §702, Oct. 17, 1986, 100 Stat. 1545. For complete classification of this Act to the Code, see Short Title of 1950 Amendment note set out under section 1701 of Title 12 and Tables.

Section 101 of the Housing and Urban Development Act of 1965, as amended, referred to in par. (9), is section 101 of Pub. L. 89–117, title I, Aug. 10, 1965, 79 Stat. 451, which enacted section 1701s of Title 12, and amended sections 1451 and 1465 of this title.

## AMENDMENTS

1984—Pars. (7) to (10). Pub. L. 98–371 added pars. (7) to (10).

1983—Par. (6). Pub. L. 97–452 substituted provisions relating to payment of the interest on the fund derived from the bequest of James Smithson, for the construction of buildings and the expenses of the Smithsonian Institution, at rates determined under section 5590 of the Revised Statutes, for provisions relating to payment for construction of buildings and expenses of the Smithsonian Institution, at 6 percent on the fund derived from the bequest of James Smithson.

## § 1306. Use of foreign credits

(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918; Pub. L. 104–208, div. A, title I, §101(f) [title VI,

§ 612(a)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–355.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1306 .....	31:724.	July 15, 1952, ch. 758, §1415, 66 Stat. 662.

The words “are not available for expenditure by agencies except as provided annually in general appropriation laws” are substituted for “will not be available for expenditure by agencies of the United States after June 30, 1953, except as may be provided for annually in appropriation Acts” because of section 101 of the revised title.

#### AMENDMENTS

1996—Pub. L. 104–208 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Foreign credits owed to or owned by the Treasury are not available for expenditure by agencies except as provided annually in general appropriation laws.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title VI, §612(b)] of Pub. L. 104–208 provided that: “The amendment made by this section [amending this section] shall take effect on the date of the enactment of this Act [Sept. 30, 1996] and shall apply thereafter.”

#### APPROPRIATIONS OF EXCESS CURRENCIES

Pub. L. 102–391, title V, §566, Oct. 6, 1992, 106 Stat. 1680, provided that: “The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] by any provision of law enacted after the date of enactment of this Act [Oct. 6, 1992] unless such provision makes specific reference to this section.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101–513, title V, §570, Nov. 5, 1990, 104 Stat. 2041.

Pub. L. 101–167, title V, §583, Nov. 21, 1989, 103 Stat. 1251.

### § 1307. Public building construction

Amounts appropriated to construct public buildings remain available until completion of the work. When a building is completed and outstanding liabilities for the construction are paid, balances remaining shall revert immediately to the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 918.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1307 .....	31:682.	June 23, 1874, ch. 476, §1, 18 Stat. 275.

The words before the proviso in the Act of June 23, 1874 (ch. 476, 18 Stat. 275), are omitted as obsolete.

### § 1308. Telephone and metered services

Charges for telephone and metered services (such as gas, electricity, water, and steam) for a time period beginning in one fiscal year or allotment period and ending in another fiscal year or allotment period may be charged against the appropriation or allotment current at the end of the time period covered by the service.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1308 .....	31:668a.	Apr. 27, 1937, ch. 143, 50 Stat. 119; restated Apr. 26, 1939, ch. 103, 53 Stat. 624.

The words “On and after April 27, 1937” are omitted as executed. The words “Charges for telephone and metered services” are substituted for “in making payments for commodities or services the quantity of which is determined by metered readings . . . and for telephone services” to eliminate unnecessary words. The words “another fiscal year or allotment period” are substituted for “another”, and the words “time period covered by the service” are substituted for “such period”, for clarity.

### § 1309. Social security tax

Amounts made available for the compensation of officers and employees of the United States Government may be used to pay taxes imposed on an agency as an employer under chapter 21 of the Internal Revenue Code of 1986 (26 U.S.C. 3101 et seq.).

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 919; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1309 .....	31:699a.	July 15, 1952, ch. 758, §1410, 66 Stat. 661.

The word “Amounts” is substituted for “Appropriations and funds” to eliminate unnecessary words. The words “salaries, wages, or” are omitted as being included in “compensation”.

#### AMENDMENTS

1986—Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

### § 1310. Appropriations for private organizations

(a) The Secretary of the Treasury shall credit an appropriation for a private organization to the appropriate fiscal official of the organization. The credit shall be carried on the accounts of—

- (1) the Treasury; or
- (2) a designated depository of the United States Government (except a national bank).

(b) The fiscal official may pay an amount out of the appropriation only on a check of the fiscal official—

- (1) payable to the order of the person to whom payment is to be made; and
- (2) that states the specific purpose for which the amount is to be applied.

(c)(1) The fiscal official may pay an amount of less than \$20 out of the appropriation on a check—

- (A) payable to the order of the fiscal official; and
- (B) that states the amount is to be applied to small claims.

(2) The fiscal official shall provide the Secretary or the designated depository on which the check is drawn with a certified list of the

claims. The list shall state the kind and amount of each claim and the name of each claimant.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 919.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1310(a) .....	31:721(words before 14th comma).	June 23, 1874, ch. 455, §1(par. immediately before heading "Smithsonian Institution"), 18 Stat. 216.
1310(b) .....	31:721(words between 14th comma and proviso).	
1310(c) .....	31:721(proviso).	

In subsection (a), before clause (1), the words "by warrant" are omitted as unnecessary because of chapter 33 of the revised title. The word "appropriation" is substituted for "moneys appropriated" for consistency in the revised title. The words "for a private organization" are substituted for "for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation" to eliminate unnecessary words. The word "official" is substituted for "officer" for consistency in the revised title. In clause (1), the word "Treasury" is substituted for "Treasurer of the United States" because of the source provisions restated in section 321 of the revised title and Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280). The words "or of an assistant treasurer" in section 1 of the Act of June 23, 1874, are omitted as superseded by section 1(1st par. under heading "Independent Treasury") of the Act of May 29, 1920 (ch. 214, 41 Stat. 254).

In subsection (b), before clause (1), the words "The fiscal official may pay an amount out of the appropriation" are substituted for "shall be paid out" for clarity. In clause (1), the words "for services, materials, or any other purpose" are omitted as unnecessary. In clause (2), the words "in writing" are omitted as surplus. The word "purpose" is substituted for "object or purpose" to eliminate unnecessary words.

In subsections (b)(2) and (c), the word "amount" is substituted for "the avails thereof" for clarity.

In subsection (c)(1), before clause (A), the words "an amount of less than \$20 out of the appropriation" are substituted for "payments are to be made under \$20" for clarity. In clause (B), the words "in writing on the check" are omitted as unnecessary.

In subsection (c)(2), the word "Secretary" is substituted for "Treasurer" because of the source provisions restated in section 321(c) of the revised title.

#### SUBCHAPTER II—TRUST FUNDS AND REFUNDS

### § 1321. Trust funds

(a) The following are classified as trust funds:

- (1) Philippine special fund (customs duties).
- (2) Philippine special fund (internal revenue).
- (3) Unclaimed condemnation awards, Department of the Treasury.
- (4) Naval reservation, Olangapo civil fund.
- (5) Armed Forces Retirement Home Trust Fund.
- (6) Return to deported aliens of passage money collected from steamship companies.
- (7) Vocational rehabilitation, special fund.
- (8) Library of Congress gift fund.
- (9) Library of Congress trust fund, investment account.
- (10) Library of Congress trust fund, income from investment account.
- (11) Library of Congress trust fund, permanent loan.

(12) Relief and rehabilitation, Longshore and Harbor Workers' Compensation Act.

(13) Cooperative work, Forest Service.

(14) Wages and effects of American seamen, Department of Commerce.

(15) Pension money, Saint Elizabeths Hospital.

(16) Personal funds of patients, Saint Elizabeths Hospital.

(17) National Park Service, donations.

(18) Purchase of lands, national parks, donations.

(19) Extension of winter-feed facilities of game animals of Yellowstone National Park, donations.

(20) Indian moneys, proceeds of labor, agencies, schools, and so forth.

(21) Funds of Federal prisoners.

(22) Commissary funds, Federal prisons.

(23) Pay of the Navy, deposit funds.

(24) Pay of Marine Corps, deposit funds.

(25) Pay of the Army, deposit fund.

(26) Preservation birthplace of Abraham Lincoln.

(27) Funds contributed for flood control, Mississippi River, its outlets and tributaries.

(28) Funds contributed for flood control, Sacramento River, California.

(29) Effects of deceased employees, Department of the Treasury.

(30) Money and effects of deceased patients, Public Health Service.

(31) Effects of deceased employees, Department of Commerce.

(32) Topographic survey of the United States, contributions.

(33) National Institutes of Health, gift fund.

(34) National Institutes of Health, conditional gift fund.

(35) Patients' deposits, United States Marine Hospital, Carville, Louisiana.

(36) Estates of deceased personnel, Department of the Army.

(37) Effects of deceased employees, Department of the Interior.

(38) Fredericksburg and Spotsylvania County Battlefields memorial fund.

(39) Petersburg National Military Park fund.

(40) Gorgas memorial laboratory quotas.

(41) Contributions to International Boundary Commission, United States and Mexico.

(42) Salvage proceeds, American vessels.

(43) Wages due American seamen.

(44) Federal Industrial Institution for Women, contributions for chapel.

(45) General post fund, National Homes, Department of Veterans Affairs.

(46) Repatriation of American seamen.

(47) Expenses, public survey work, general.

(48) Expenses, public survey work, Alaska.

(49) Funds contributed for improvement of roads, bridges, and trails, Alaska.

(50) Protective works and measures, Lake of the Woods and Rainy River, Minnesota.

(51) Washington redemption fund.

(52) Permit fund, District of Columbia.

(53) Unclaimed condemnation awards, National Capital Park and Planning Commission, District of Columbia.

(54) Unclaimed condemnation awards, Rock Creek and Potomac Parkway Commission, District of Columbia.